

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**CLINTON BARKLEY, RASHAAN BOWREY,  
ANDREW HANCOCK, and PHILIP RAMIREZ,  
on behalf of themselves and all others similarly  
situated,**

**Plaintiffs,**

**-against-**

**NYU LANGONE MSO, INC., NYU LANGONE  
HEALTH SYSTEM, and NYU LANGONE  
HOSPITALS,**

**Defendants.**

**NOTICE OF MOTION**

**Case No.: 1:24-cv-09747-AT**

**NOTICE OF MOTION**

Please take notice that, upon the attached exhibits and declarations, memorandum of law in support, and proposed collective action notice, Plaintiffs hereby move this Court for an order conditionally certifying this case to proceed as a Fair Labor Standards Act (“FLSA”) collective action on behalf of an FLSA collective consisting of “all persons who work or have worked for NYU Langone<sup>1</sup> as exempt-classified I.T. Support Employees<sup>2</sup> nationwide at any time since December 18, 2021 and who elect to opt in to this action” (“FLSA Collective members”).

For the reasons set forth in Plaintiffs’ Memorandum of Law in Support of their Motion for Court-Authorized Notice Pursuant to 29 U.S.C. § 216(b), and in the Declaration of Artemio Guerra (“Guerra Declaration”) and the exhibits attached thereto, Plaintiffs respectfully request that the

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<sup>1</sup> “NYU Langone” refers, collectively, to Defendants NYU Langone MSO, Inc., NYU Langone Health System, and NYU Langone Hospitals.

<sup>2</sup> “I.T. Support Employees” refers to individuals working in the job titles of System Analyst, Desktop Support, Tech I, Tech II, A.V. Support Specialist, Solutions Analysts, Site Analysis, and other similar positions.

Court enter an Order: 1) authorizing Plaintiffs to issue the Notice of this action to proposed FLSA Collective members; 2) approving the Proposed Notice (“Notice”) and Consent to Join (“CTJ”) form attached as Exhibit 1 to the Guerra Declaration, to be issued to the proposed FLSA Collective members; 3) permitting proposed FLSA Collective members to opt in to this litigation by filing CTJ forms within the ninety (90) day period following the date of mailing of the Notice (or, in the event of re-mailings, ninety (90) days from the re-mailing); 4) authorizing the issuance of Plaintiffs’ proposed Notice to proposed Collective Members via U.S. mail, email, text message, and on a standalone website; 5) authorizing the issuance of the reminder notice attached as Exhibit 2 to the Guerra Declaration via U.S. mail, email, and text message to those proposed FLSA Collective members who have not responded halfway through the notice period; 6) requiring NYU Langone to provide Plaintiffs with the FLSA Collective members’ names, last known addresses, last known personal email addresses, last known personal telephone numbers, and employee number in manipulable electronic format; and 7) requiring NYU Langone to provide partial Social Security numbers for FLSA Collective members whose Notices are returned as undeliverable.

The motion will be resolved on the papers unless a date for oral argument is set by the Court. If oral argument is scheduled, the motion will be heard at Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007.

Dated: April 2, 2025

Respectfully submitted,

/s/ Artemio Guerra

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*Attorneys for Plaintiffs and the Putative FLSA  
Collective and Rule 23 Class*